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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/720,916 | 11/24/2003 | Michael D. Wilk | ISE-13 (11086) | 5253 |
| 27189 | 7590 | 03/07/2006 | EXAMINER | |
| PROCOPIO, CORY, HARGREAVES & SAVITCH LLP | | | BENENSON, BORIS | |
| 530 B STREET | | | ART UNIT | |
| SUITE 2100 | | | PAPER NUMBER | |
| SAN DIEGO, CA 92101 | | | 2836 | |

DATE MAILED: 03/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/720,916

Applicant(s)

WILK ET AL.

Examiner

Boris Benenson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3 and 7-10 is/are allowed.
- 6) ☐ Claim(s) 4-6 and 14-16 is/are rejected.
- 7) ☐ Claim(s) 10-13 and 17-20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>11/24/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

Detailed Actions

1. Preliminary amendment received on 4/12/2004 is entered.
 - a. Specification is amended.
 - b. Drawings are amended. Figure 3 of the drawings is removed. Replacement drawings (Fig.3 - Fig.8) are entered.
 - c. Claims 1-20 are pending in the application.

Claim Objections

2. Claims 11-20 are objected to because of the following informalities: Claim 11 indicated "a method of using an ultracapacitor energy storage cell pack", but in opinion of Examiner presented method disclosed a method of making the ultracapacitor energy storage cell pack or a method of making the ultracapacitor energy storage cell pack more reliable. Claims 12-20 do not overcome indicated deficiency of Claim 11. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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3. Claims 4 and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims language requires "the enclosure includes **an inside** with anti-corrosion and electrical insulating coating". Such a limitation is indefinite, because it does not identify if the inside is an inside wall, inside-mounted aluminum bus bars or inside surface of the enclosure.

4. Claims 5-6 and 15-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims language require the ultracapacitor assembly include a "wine rack" middle plate support or a "wine rack" end support plate. The prior art provides different variation of wine racks (U.S. Patent 4,998,631, U.S. Patent Des. 289,716, U.S. Patent 6,722,510, U.S. Patent 4,567,989, and U.S. Patent 3,854,590). The term a "wine rack" is not defined in the Claims or in the Specification and therefore indefinite.

Allowable Subject Matter

5. Claims 1-3 and 7-10 are allowed.

6. Claims 4-6 and 11-20 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, and objections set forth in this Office action.

The following is an examiner's statement of reasons for allowance:

7. Independent Claims 1 is allowable because none of the prior art of record disclose an ultracapacitor storage cell pack comprising a pre-charge resistor and a pre-charge relay wherein the pre-charge relay cause the pre-charge resistor limit a charge current until the ultracapacitor assembly reaches a minimum voltage in combination with the other claim limitations.

8. Claims 2-3 and 7-10 are dependent on allowable Claim 1 and therefore allowable.

Contact information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boris Benenson whose telephone number is (571) 272-2048. The examiner can normally be reached on M-F (8:20-6:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on (571) 272-2800 ext 36. The fax phone number for the


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organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Boris Benenson
Examiner
Art Unit 2836

B.B.



BRIAN SIRCUS
SUPERVISORY PATENT EXAMINER
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